



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Planning and Development

Diane M. Sugimura, Director

## CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Numbers:** 3002823

**Proponent Names:** Brian Demeerleer

**Address of Proposals:** 801 NW 50<sup>th</sup> St

### **SUMMARY OF PROPOSED ACTION**

Land use approval to establish use and construct a four-unit townhouse with surface parking for five vehicles located on the site. Single-family dwelling unit and detached garage at 801 NW 50<sup>th</sup> St to be demolished. Existing single-family residence at 807 NW 50<sup>th</sup> St to remain.

This review contemplates a future unit lot subdivision.

The following approval is required:

**SEPA - Environmental Determination** pursuant to SMC 25.05

**SEPA DETERMINATION:**      ☐ Exempt    ☒ DNS    ☐ MDNS    ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction

### **BACKGROUND DATA**

#### **Site & Area Description**

The subject site is on the southwest corner of the intersection of 8<sup>th</sup> Ave NW and NW 50<sup>th</sup> St, in the Ballard neighborhood. The site is 88' wide and has a depth of approximately 84'. The site is made up of two parcels of land to encompass a land area of approximately 7,350 square feet, located in a Multifamily Lowrise One zone (L-1) with a density limit of one unit per 1,600 square feet of lot area. The site is not mapped as an



Environmentally Critical Area. The site slope rises 1' to the southwest and contains two single-family residential structures. Some trees, shrubbery and grass currently cover the site. NW 50<sup>th</sup> St and 8<sup>th</sup> Ave NW are improved with paved roadways with gutters, curbs and sidewalks.

### Proposal

The development site currently contains two single-family houses, one of which will be demolished. One 4-unit townhouse structure is proposed for five units. The two structures will face NW 50<sup>th</sup> St, with the 4-unit townhouse structure on the eastern portion of the site and the single-family structure on the western portion of the site. Surface parking for four vehicles will be on the southeastern portion of the site, south of the single-family structure, and can be accessed from 8<sup>th</sup> Ave NW via a southern abutting alley

### Public Comment

During the public comment period, which ended November 2, 2005, DPD received no written comments from the public related to the proposal.

### ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated September 30, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

### Short -Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction is not anticipated to markedly reduce the supply of parking in the vicinity. Parking demand for construction personnel can be accommodated and managed within the 8<sup>th</sup> Ave NW and NW 50<sup>th</sup> St rights-of-way. Therefore, no further mitigation will be required.

The development site is located within a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Notice of the demolition of the existing residential structure is required by the PSCAA and the proposed demolition is subject to all applicable regulations and practices required by the PSCAA.

Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: loss of vegetation; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting, light from windows and from vehicle traffic (headlights); increased traffic and parking demand due to new residents and visitors; increased airborne emissions resulting from additional vehicle traffic; increased demand on public services and utilities; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multi-family structures and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

### *Bulk and Scale*

The design of the 4-unit building, as viewed from the north, south, east and west, will have pitched roofs, trimmed windows, shingle and horizontal beveled siding, with a banding treatment that emphasizes the structures base from the upper stories, clearly identifiable covered entrances, and modulation. These design elements break up the appearance of bulk of the facades and will mitigate the height, bulk, and scale impacts of the structures. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### *Parking*

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. Five off-street parking spaces will be provided at the development site designated for each of the six units for a parking ratio of one space per unit, which meets code requirements and is expected to accommodate parking demand generated by the five dwelling units most of the day. Parking is unrestricted in the area and 8<sup>th</sup> Ave NW and NW 50<sup>th</sup> St are expected to handle the small amount of spill-over parking. On-street parking capacity in the surrounding area is sufficient to meet any additional spill-over parking. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

## **CONCLUSION - SEPA**

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The condition imposed below is intended to mitigate a specific impact identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

## **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).

### **CONDITIONS – SEPA**

#### *Prior to Issuance of a Demolition Permit*

1. Prior to the commencement of demolition activities, the proponent will be required to submit a copy of the Puget Sound Clean Air Agency (PSCAA) notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

#### *During Construction*

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. The applicant will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day).

Signature: (signature on file)  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

Date: March 23, 2006